

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

KIMBERLY Y. ALSTON, : Case No. 3:16-cv-205
Plaintiff, :
vs. : District Judge Walter H. Rice
NANCY A. BERRYHILL, : Magistrate Judge Sharon L. Ovington
COMMISSIONER OF SOCIAL :
SECURITY, :
Defendant.

DECISION AND ENTRY

The Court has conducted a *de novo* review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #13), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections, if any, under Fed. R. Civ. P. 72(b), has expired, this Court hereby **ADOPTS** said Report and Recommendations.

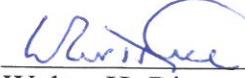
It is therefore **ORDERED** that:

1. The Report and Recommendations filed on 6/19/2017 (Doc. #13) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is **VACATED**;
3. No finding is made as to whether Plaintiff Kimberly Alston was under a "disability" within the meaning of the Social Security Act;
4. This matter is **REMANDED** to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations and this Decision; and

5. The case is terminated on the docket of this Court.

IT IS SO ORDERED.

Date: 2-4-17



Walter H. Rice
United States District Judge